

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in view of the following remarks is respectfully requested.

Claims 1-3, 6-8, and 12-14 are currently active in this case. Claims 4 and 5 have been cancelled, claims 13 and 14 have been added, and claims 9-11 have been cancelled by the current amendment. No new matter has been added.

Claim 1 as amended includes the same controller feature of original claim 3, the features of original claims 9 and 10, and a slight variation of the original claim 11 feature ("game states" has been changed to --special game state--). Newly added dependent claim 13 is supported at least at page 20, lines 23-25 and newly added claim 14 is supported at least by page 20, lines 29 and 30 of the Specification.

In the outstanding Office Action, claims 1-3 and 5-12 were provisionally rejected on the grounds of non-statutory obviousness type double patenting as being unpatentable over claims 1 and 3-7 and claims 1-10 of co-pending application numbers 10/697,238 and 10/697,027, respectively; claims 1-3 and 6-12 were rejected under 35 USC 103 as being unpatentable over U.S. Patent Publication No. 2003/0064771 to Morrow et al. in view of U.S. Patent Publication No. 2002/0195773 to Dunn and U.S. Patent No. 7,179,167 to deKeller; and claims 2, 3, and 6-8 were rejected under 35 USC 103(a) as being unpatentable over Morrow et al. in view of Dunn, deKeller and U.S. Patent Publication No. 2005/0192090 to Muir et al.

Applicants respectfully point out that neither the current application nor application numbers '238 and '027 have been allowed. Consequently, a Terminal Disclaimer has not been filed at this time.

Amended claim 1 defines, among other things, the feature "a game controller configured to generate a special game state, the generation of the special game state being

triggered without an additional bet, the special game state giving an advantage to a player based on a predetermined condition” and switching from displaying the pay table to a second different pay table in an identical game “according to the special game state, by changing the predetermined prize associated with the winning combination and by changing a winning probability of the winning combination in the pay table, the winning probability of the winning combination in the pay table being different from a winning probability of the winning combination in the second pay table....”

In Morrow et al., the "primary game" and the "secondary game" are different types of games using different memory chips. See paragraph [0006] of Morrow et al. Morrow et al. further that discloses “any glass panels containing pay tables or artwork representative of the game must be changed. Otherwise, the theme associated with the belly glass would be inconsistent with the new game. Likewise, pay tables must change to reflect the game theme and allowable bets.” See paragraph [0007] of Morrow et al. Moreover, Morrow et al. discloses that those skilled in the art have long recognized the need for gaming machines wherein games, pay tables and/or artwork are reconfigurable so that casinos may quickly and efficiently change the games. See paragraphs [0009] and [0010] of Morrow et al. Thus, Morrow et al. do not teach or suggest changing pay tables for the same type of game, but rather teaches changing the pay tables when a previous game is physically changed to a new game which is a different type of game from the previous game.

It is clear from the problems to be solved and the objects of Morrow et al. that Morrow et al. focuses on "pay tables" for different kinds (types) of games. Different kinds (types) of games, as taught by paragraph [0007] of Morrow et al. usually have different kinds (types) of rules, and thus the "pay tables" for the different kinds (types) of games are also different from each other. Therefore, there is no motivation to combine Dunn and deKeller

with Morrow et al. which simply discloses "different kinds (types) of games have different kinds (types) of pay tables".

Further, deKeller does not disclose or suggest the "(special) game state" defined by amended claim 1. In deKeller, a player is required to make a bet to play a "Second Draw" game, a "Third Draw" game, etc. after the "First Draw" game. See column 4, line 63 to column 5, line 5 of deKeller. However, amended claim 1 defines "the generation of the special game state being triggered without an additional bet".

Furthermore, deKeller does not teach that a "game state" varies during the "First Draw" game (or "Second Draw"). That is, deKeller does not disclose or suggest the "game state" defined by amended claim 1. Accordingly, in deKeller, a "payout probability" is not changed to a different payout probability during the "First Draw" game according to a "game state". Therefore, deKeller does not disclose or suggest that a "winning probability" is changed to a different winning probability according to the "game state" as defined by the claimed invention.

deKeller also limits the scope of its invention to "games where numbers are selected" (see e.g. the last paragraph of the "SUMMARY OF THE INVENTION"). Accordingly, a "game" as defined by the amended claim 1 is different from a "game" as disclosed by deKeller.

Applicants respectfully point out that page 5, lines 6-9 of the outstanding Official Action directed to the motivation for modifying Morrow et al. is not understood and is traversed. Particularly, it is unclear to Applicants how the statement "with an added element of risk" motivation is pertinent. This is because deKeller discloses "games where numbers are selected" which is different from the "game" defined by Applicants claims. In deKeller, an outcome set of numbers is not revealed to a player after the numbers are randomly selected by the processor if the player sequentially plays a game where numbers are selected (see

column 4, lines 43-44, 47, and 48, and column 5, lines 21-28 of deKeller). In contrast, in amended claim 1, a combination of symbols is displayed on a display unit prior to a special game.

Furthermore, in deKeller, as already discussed above, an additional bet is required to start a "Second Draw" game, a "Third Draw" game, etc. However, amended claim 1 of the present invention includes the feature "the generation of the special game state being triggered without an additional bet".

For the foregoing reasons, Applicants respectfully traverse the assertion at page 5, lines 6-9 of the outstanding Official Action that it would have been obvious to incorporate the features of deKeller with the features of Morrow et al and Dunn. Applicants further note that the "pay tables" of deKeller are not displayed.

In conclusion, Morrow et al, are not believed to anticipate or render obvious the subject matter of the present invention when considered alone or in combination with the applied secondary references. The dependent claims are believed to be allowable for at least the same reasons that claim 1 is believed to be allowable.

Regarding newly added claim 14, it defines what is changed by an input operation of the player. What is changed is a pay amount of the winning combination in the pay table. None of the references of record disclose or suggest that a pay amount of the winning combination in the pay table is changed by an input operation of the player. Thus, claim 14 is also believed to be allowable.

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Consequently, no further issues are believed to be remaining. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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